

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

EDDIE L. DILLARD,

Petitioner,

v.

Case No. 03-CV-71269  
HON. GEORGE CARAM STEEH

SHERRY BURT,

Defendant.

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ORDER DENYING PETITIONER'S FOURTH MOTION FOR  
RELIEF FROM JUDGMENT (#76)

On April 29, 2011, petitioner Eddie Dillard filed his fourth motion for relief from judgment arguing his 1997 state court convictions and sentence should be vacated because the Michigan Office of Secretary of State was not in possession of a public record indicating that the presiding state court judge had been administered an oath of office. This argument was made in his three earlier motions for relief from judgment, in addition to other filings and appeals, and has been rejected by this court and the Sixth Circuit. Petitioner's Rule 60(b) motion is denied because he has failed to offer any arguments which this court has not already considered and rejected in prior orders. The court will also deny petitioner a certificate of appealability as he failed to make a substantial showing of the denial of a constitutional right or that this court's procedural ruling is wrong. The court will deny petitioner leave to appeal *in forma pauperis*, because the appeal would be frivolous. For these reasons, as well as the reasons stated in this court's earlier orders, petitioner's motion for relief from judgment (#76) is DENIED, a certificate of appealability is DENIED,

and petitioner will be DENIED leave to appeal *in forma pauperis*.

SO ORDERED.

Dated: August 15, 2011

s/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on August 15, 2011, by electronic and/or ordinary mail and also to Eddie L. Dillard at Ionia Correctional Facility, 1576 W. Bluewater Highway, Ionia, MI 48846.

s/Josephine Chaffee  
Deputy Clerk